

DENNIS PAUL NEAL
Plaintiff,

v.

R. BARRY GEARON, JR.
Defendant.

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M E M O R A N D U M

It is well settled that attorneys, even those appointed by the courts, do not act "under color of state law" within the meaning of

§ 1983 when representing a client. Polk County v. Dodson, 454 U.S. 312 (1981); Mulligan v. Schlachter, 389 F.2d 231, 233 (6th Cir.1968). Thus, plaintiff's claim that his attorney has been ineffective is not actionable under § 1983.

When a prisoner plaintiff proceeding as a pauper, as is the case here, has failed to state a claim upon which relief can be granted, the Court is obliged to dismiss the instant action *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.

Todd Campbell

Todd Campbell
United States District Judge